IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF DELAWARE

ANTHONY JOYNER, Administrator of the)
Estate of Amy Joyner Francis And INITA)
JOYNER, mother of Amy Joyner Francis,)
• •) C.A. No.: N18C-04-001 ALR
Plaintiffs,)
·) TRIAL BY JURY DEMANDED
v.)
)
THE NEW CASTLE COUNTY)
VOCATIONAL TECHNICAL SCHOOL)
DISTRICT, TRINITY CARR AND ZION)
SNOW,)
,)
Defendants.	,)
)
	,

DEFENDANT'S NOTICE OF REMOVAL

PLEASE TAKE NOTICE that Defendant The New Castle County Vocational School District (the "District") hereby removes this matter to the United States District Court for the District of Delaware, pursuant to 28 U.S.C. § 1441. The grounds for removal are as follows:

- 1. On or about April 2, 2018, Plaintiffs filed a Complaint captioned *Anthony Joyner, Administrator of the Estate of Amy Joyner Francis and Inita Joyner, mother of Amy Joyner Francis v. The New Castle County Vocational Technical School District, Trinity Carr and Zion Snow,* C.A. No. N18C-04-001 ALR (the "Complaint") in the Superior Court of the State of Delaware.
- 2. In accordance with 28 U.S.C. § 1446(a), a true and correct copy of all process, pleadings, and orders filed in the case is attached hereto as Exhibit A.
 - 3. The District received a copy of the Complaint on or about April 4, 2018.

- 4. Pursuant to 28 U.S.C. § 1446(d), the District will promptly provide written notice of removal of the action to Plaintiffs, and will promptly file a copy of this Notice of Removal with the Superior Court of the State of Delaware.
 - 5. No Defendant has been served at the time of the filing of this Notice.
- 6. This action includes claims arising pursuant to 42 U.S. C. § 1983 conferring original jurisdiction upon this Court. *See*, *e.g.*, Complaint at ¶¶ 56, 77.
- 7. Removal is proper in any action that could have originally been filed in federal court. 28 U.S.C. § 1441. District courts have original jurisdiction in cases involving a "[f]ederal question," i.e., cases "arising under the constitution, laws, or treaties of the United States." 28 U.S.C. § 1331.
- 8. This Notice of Removal is being filed within 30 days of the District's receipt of the Complaint and is therefore timely filed under 28 U.S.C. § 1446(b).

WHEREFORE, the District respectfully requests that the above-titled action be removed to this Court from the Superior Court of the State of Delaware.

YOUNG CONAWAY STARGATT & TAYLOR, LLP

/s/ Jennifer M. Kinkus

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Dated: April 13, 2018